

Dallas Erickson Testimony
Senate Bill 371
Senate Judiciary Committee
February 2, 2007

SENATE JUDICIARY
Exhibit No. 5
Date 2-2-07
Bill No. SB 371

Mr. Chair and Members of the Committee,

I am Dallas Erickson and I represent the nearly 4000 people in Montana who support Montana Citizens for Decency through Law.

It must be said that this bill opens up more cans of worms than any I have seen in my years of resisting the homosexual agenda.

I would like to briefly cover some points and I have more information on them in my handout.

1. This is supposed to be a bill to prevent discrimination but in fact it is a bill by very definition that discriminates. There are almost 30 "sexual orientations" but this bill only lists three, heterosexuality, bisexuality, and homosexuality. I will spare you the reading of the list of other sexual orientations that have been discriminated against in this bill
2. The term "gender identity or expression" opens up a whole new can of worms and goes well beyond what has ever been proposed as a state law before to my recollection. Several years ago the United Nations was pressured by several groups and organizations to recognize that there were more than just two sexes. In fact the claim was then that there were FIVE sexes.

Here is a definition that I found at a website called Transgender 101:

Gender Identity is how you see yourself socially: man, woman, or a combination of both. One may have a penis but prefer to relate socially as a woman, or one may have a vagina but prefer to relate as a man. One might prefer to be fluid, relating sometimes as a man and sometimes as a woman. Or one might not identify as either one, relating androgynously.

Do you see what I mean about can of worms? Here are some of the classifications of Gender Identity:

Drag Queen: Female-emulating male, usually campy, often (not always) gay.

Butch: Masculine-appearing person.

Femme: Feminine-appearing person.

Drag King: Male-emulating woman.

Intersex: Person born with mixed sexual physiology. Often "assigned" at birth, such practice is coming under well-founded attack as a hurtful violation of a person's well-being.

Transvestite: Person who enjoys wearing clothes identified with the opposite gender, often but not always straight.

Crossdresser: Polite term for transvestite.

Transgenderist: Person who lives as gender opposite to anatomical sex, i.e. person with penis living as woman. Sexual orientation varies.

Androgyne: Person appearing and identifying as neither man nor woman, presenting a gender either mixed or neutral.

Transsexual: Person whose sexual identity is opposite to their assignment at birth. Not all TS folk undergo "sex reassignment surgery" (SRS), for various reasons, including personal preference. Sexual

orientation varies.

FTM (female to male): born female but see themselves as partly to fully masculine.

MTF (male to female): born male but see themselves as partly to fully feminine

There are others. So if this bill passes, if a business or a government in Montana wants to keep people with penis's out of restrooms reserved for people with vaginas that would be discrimination. So they would be required, as has been required in California, to build a restroom for people who don't know if they are male or female. I guess the restroom would have a question mark on it.

Can you imagine the fun that our school children would have with such a law? Can you imagine the havoc that it would wreak in these forums? Some young person with a penis could all of a sudden claim to be a **Male To Female** and go see what the other side lives like. If the school didn't like it the school would have to construct another restroom.

The ramifications of this bill in our society would be immense and expensive and destructive to the values of our state.

3. Under Section 14 it is plain to see that any individual or group that opposed homosexuality or was not 'gender identity sensitive could be precluded from using City, County or State property for anything. This would include the Boy Scouts of America and Church groups.

4. To those who follow the agenda of the homosexuals it is clear that this is the beginning of an attempt to get around the Constitutional Amendment passed by the voters in Montana. All that would be needed for a man to marry a woman would be to get Doctors certificates that the person with the penis was really a **MTF** and so that person would be considered a "female" and so could marry a female. Etc. Etc. This is not someone's imagination as there is precedence for this in the State of New York.

5. In Kamloops BC they have a law like this bill, as well as a hate crimes law like Senator Kaufman has up her sleeve for this session. A man who circulated brochures stating the Biblical rejection of homosexuality as an "abomination" was charged with discrimination and had to pay a \$1000 fine for repeating a Biblical phrase and Scripture. This bill would open the door to that nonsense here and would endanger those who preach about the high and early death rate of homosexuals because of diseases as well as the other problems that follow that lifestyle.

6. This bill would require the Boy Scouts or any group that wants to teach the Biblical standards of sexuality and morality to hire homosexuals and those who are confused about their sexuality. I would imagine it would allow the **MTF** or the **FTM** to sleep in the tents with the boys or girls or the organization would be faced with discrimination.

I ask this committee to table this bill quickly before the worms get out of the can. We could put those worms to good use and go fishing.

Thank you.

Dallas D. Erickson, President
Montana Citizens for Decency through Law
P.O. Box 4071
Missoula MT 59806
(406) 777 5862
Cell Phone: 406 240-5277
Website: www.montanahome.org
E-mail: mcdl@accessmtwildblue.com

New York Times, November 7, 2006

<http://www.nytimes.com/2006/11/07/nyregion/07gender.html?hp&ex=1162962000&en=ad8cd9271abf7ee8&ei=5094&partner=homepage>

New York Plans to Make Gender Personal Choice

By DAMIEN CAVE

Separating anatomy from what it means to be a man or a woman, New York City is moving forward with a plan to let people alter the sex on their birth certificate even if they have not had sex-change surgery. Skip to next paragraph Readers' Opinions Forum: Gay Rights

Should people be allowed to alter the sex on their birth certificate even if they have not had sex-change surgery?

Under the rule being considered by the city's Board of Health, which is likely to be adopted soon, people born in the city would be able to change the documented sex on their birth certificates by providing affidavits from a doctor and a mental health professional laying out why their patients should be considered members of the opposite sex, and asserting that their proposed change would be permanent.

Applicants would have to have changed their name and shown that they had lived in their adopted gender for at least two years, but there would be no explicit medical requirements.

"Surgery versus nonsurgery can be arbitrary," said Dr. Thomas R. Frieden, the city's health commissioner. "Somebody with a beard may have had breast-implant surgery. It's the permanence of the transition that matters most."

If approved, the new rule would put New York at the forefront of efforts to redefine gender. A handful of states do not require surgery for such birth certificate changes, but in some of those cases patients are still not allowed to make the change without showing a physiological shift to the opposite gender.

In New York, the proposed change comes after four years of discussion among health officials, an eight-member panel of transgender experts and vital records offices nationwide. It is an outgrowth of the transgender community's push to recognize that some people may not have money to get a sex-change operation, while others may not feel the need to undergo the procedure and are simply defining themselves as members of the opposite sex. While it may be a radical notion elsewhere, New York City has often tolerated such blurring of the lines of gender identity.

And the proposal reflects how the transgender movement has become politically potent beyond its small numbers, having roots in the muscular politics of the city's gay rights movement.

Transgender advocates consider the New York proposal an overdue bulwark against discrimination that recognizes an emerging shift away from viewing gender as simply the sum of one's physical parts. But some psychiatrists and doctors are skeptical of the move, saying sexual self-definition should stop at rewriting medical history.

"They should not change the sex at birth, which is a factual record," said Dr. Arthur Zitrin, a Midtown psychiatrist who was on the panel of transgender experts convened by the city. "If they wanted to change the gender for all the compelling reasons that they've given, it should be done perhaps with an asterisk."

The change would lead to many intriguing questions: For example, would a man who becomes a woman be able to marry another man? (Probably.) Would an adoption agency be able to uncover the original sex of a proposed parent? (Not without a court order.) Would a woman who becomes a man be able to fight in combat, or play in the National Football League? (These areas have yet to be explored.)

The Board of Health, which weighs recommendations drafted by the Department of Health and Mental

Hygiene, is scheduled to vote on the proposal in December, and officials say they expect it to be adopted.

At the final public hearing for the birth certificate proposal last week, a string of advocates and transsexuals suggested that common definitions of gender, especially its reliance on medical assessments, should be abandoned. They generally praised the city for revisiting its 25-year-old policy that lets people remove the sex designation from their birth certificate if they have had sexual reassignment surgery. Then they demanded more freedom to choose.

Michael Silverman, executive director of the Transgender Legal Defense and Education Fund, said transgender people should not have to rely on affidavits from a health care system that tends to be biased against them. He said that many transgender people cannot afford sex-change surgery or therapy, and often do not consider it necessary.

Another person who testified, Mariah Lopez, 21, said she wanted a new birth certificate to prevent confusion, and to keep teachers, police officers and other authority figures from embarrassing her in public or accusing her of identity theft.

A few weeks ago, at a welfare office in Queens, Ms. Lopez said she included a note with her application for public assistance asking that she be referred to as Ms. when her turn for an interview came up. It did not work. The woman handling her case repeatedly addressed her as Mister.

"The thing is, I don't even remember what it's like to be a boy," Ms. Lopez said, adding that she received a diagnosis of transgender identity disorder at age 6. She asked to be identified as a woman for this article. The eight experts who addressed the birth certificate issue strongly recommended that the change be made, for the practical reasons Ms. Lopez identified. For public health studies, people who have changed their gender would be counted according to their sex at birth.

But some psychiatrists said that eliminating identification difficulties for some transgender people also opened the door to unwelcome advances from imposters.

"I've already heard of a 'transgendered' man who claimed at work to be 'a woman in a man's body but a lesbian' and who had to be expelled from the ladies' restroom because he was propositioning women there," Dr. Paul McHugh, a member of the President's Council of Bioethics and chairman of the psychiatry department at Johns Hopkins University, wrote in an e-mail message on the subject. "He saw this as a great injustice in that his behavior was justified in his mind by the idea that the categories he claimed for himself were all 'official' and had legal rights attached to them."

The move to ease the requirements for altering one's gender identity comes after New York has adopted other measures aimed at blurring the lines of gender identification. For instance, a new shelter policy approved in January now allows beds to be distributed according to appearance, applying equally to postoperative transsexuals, cross-dressers and "persons perceived to be androgynous."

The Metropolitan Transportation Authority also agreed last month to let people define their own gender when deciding whether to use the men's or women's bathrooms.

Joann Prinzivalli, 52, a lawyer for the New York Transgender Rights Organization, a man who has lived as a woman since 2000, without surgery, said the changes amount to progress, a move away from American culture's misguided fixation on genitals as the basis for one's gender identity.

"It's based on an arbitrary distinction that says there are two and only two sexes," she said. "In reality the diversity of nature is such that there are more than just two, and people who seem to belong to one of the designated sexes may really belong to the other."

Transgender 101 <http://allies.tamu.edu/Did%20You%20Know/transgender.htm>

Adapted from "TRANSGENDERISM: Transgressing Gender Norms" by Nancy R. Nangeroni, International Foundation for Gender Education, 1996 (Ninja Design).

Sex, Gender, & Bipolarity

In order to understand the difference between someone who is gay, lesbian, or bisexual, and someone who is transgender, you need to know the difference between sex and gender. Simply put, sex is polarity of anatomy, gender is polarity of appearance and behavior. As one gains familiarity with transgenderism, these definitions quickly break down, but they serve as a good starting point.

Most people think there are just two sexes, male and female. Such is not the case. People who are intersexed and people who are transsexual constitute sexes which are neither exactly male nor exactly female.

Likewise, gender is not a simple case of "either/or." Gender is exhibited by countless signals, from articles of clothing to cosmetics, hairstyles, conversational styles, body language and much more.

Notice, however, that our gender "norms" are not symmetric. Women have won for themselves the right to a wide range of gender expression. Men have not made a corresponding effort. Most men live within a much narrower range of "acceptable" gender.

Though our culture tends to group characteristics into "masculine" and "feminine," many people find some amount of gender transgression exciting, so there is some crossover between the two categories. Ultimately, gender is a "mix and match" mode of self-expression, and people within our culture are ever finding new ways to express their gender, with exciting subtleties and intriguing implications.

In general, it works best to think of all effects - sexual orientation, gender identity, sexual identity, and any others - as varying along a continuous spectrum of self-expression, rather than in just one of two or three ways.

Sexual Orientation vs. Gender Identity vs. Sexual Identity

Sexual orientation, gender identity, and sexual identity are independent of each other. A person may express any variation of each of these in any combination. To discourage the free expression of identity and orientation by an individual is to impose a damaging burden of conformity.

Sexual Orientation is which sex you find romantically/erotically attractive: opposite (hetero), same (homo), or both (bi).

Gender Identity is how you see yourself socially: man, woman, or a combination of both. One may have a penis but prefer to relate socially as a woman, or one may have a vagina but prefer to relate as a man. One might prefer to be fluid, relating sometimes as a man and sometimes as a woman. Or one might not identify as either one, relating androgynously.

Sexual Identity is how you see yourself physically: male, female, or in between. If someone is born female, but wishes to see their body as male in all respects, their sexual identity is male. It is generally rude to speak of such a person as female, since it denies their right to inhabit the social and physical role of their choosing. We call such a person a transsexual, whether or not they have had any surgery.

Many **FTM** transsexuals do not undergo genital surgery, often because of disappointing results or extreme cost. As surgical technique improves, this may change. Since it is healthier for these people to live in accord with their wishes and heartfelt need, we call them men, though they may have a vagina where one would expect to find a penis.

The situation for **MTF** transsexuals is equivalent, except that the surgery produces a much more satisfying result, both cosmetically and functionally. Nonetheless, many MTF transsexuals elect to not have the surgery, most often because of risk, pain, or cost. Those who retain male sexual functioning may refer to themselves as transgenderists, since it is only their gender which is changed. Those that disown all male sexual function (surgery or no) tend to identify as transsexuals, since they change their sexual function, and therefore their sexual identity.

Definitions/Terms

People tend to categorize themselves. This identification can be helpful in finding like-minded others with whom to make friends, but it can be hurtful if imposed on an individual by others, well-intentioned or not. In relating to transgender folk, it is best to avoid pushing an individual to choose a category for themselves. Some folks prefer to explore the fringes of category, and such push for identification works against personal exploration and fulfillment.

Transgender folk have self-identified as:

Drag Queen: Female-emulating male, usually campy, often (not always) gay.

Butch: Masculine-appearing person.

Femme: Feminine-appearing person.

Drag King: Male-emulating woman.

Intersex: Person born with mixed sexual physiology. Often 'assigned' at birth, such practice is coming under well-founded attack as a hurtful violation of a person's well-being.

Transvestite: Person who enjoys wearing clothes identified with the opposite gender, often but not always straight.

Crossdresser: Polite term for transvestite.

Transgenderist: Person who lives as gender opposite to anatomical sex, i.e. person with penis living as woman. Sexual orientation varies.

Androgyne: Person appearing and identifying as neither man nor woman, presenting a gender either mixed or neutral.

Transsexual: Person whose sexual identity is opposite to their assignment at birth. Not all TS folk undergo 'sex reassignment surgery' (SRS), for various reasons, including personal preference. Sexual orientation varies.

FTM (female to male): born female but see themselves as partly to fully masculine.

MTF (male to female): born male but see themselves as partly to fully feminine

Transgender Community: A loose association of people who transgress gender norms in a wide variety of ways. Celebrating a recently born self-awareness, this community is growing fast across all lines, including social, economic, political, and philosophical divisions. The central ethic of this community is unconditional acceptance of individual exercise of freedoms including gender and sexual, identity and orientation.

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SEXUAL ORIENTATIONS

Homosexuality or "Gay": sexual interaction with persons of the same sex.

Bisexuality: sexual interaction with both males and females.

Pedophilia: "sexual activity with a prepubescent child (generally age 13 years or younger).

Incest: Sexual orientation towards a sibling or parent.

Gerontosexuality: Distinct preference or orientation for sexual relationships primarily or exclusively with an elderly partner

Transgenderism: an umbrella term referring to and/or covering transvestitism, drag queen/kings, and transsexualism.

Exhibitionism: the act of exposing one's genitals to an unwilling observer to obtain sexual gratification.

Transsexuality: the condition in which a person's gender identity is different from his or her anatomical gender.

Transvestitism: the condition in which a person is sexually stimulated or gratified by wearing the clothes of the other gender.

Transvestic fetishism: for males, "intense sexually arousing fantasies, sexual urges, or behaviors involving cross-dressing."

Autogynephilia: the sexual arousal of a man by his own perception of himself as a woman or dressed as a woman.

Voyeurism: "obtaining sexual arousal through the act of observing unsuspecting individuals, usually strangers, who are naked, in the process of disrobing, or engaging in sexual activity."

Partialism: Person is sexually attracted to a specific body part exclusive of the person.

Fetishism or Sexual Fetishism: "intense sexually arousing fantasies, sexual urges, or behaviors involving the use of nonliving objects (e.g. female undergarments)."

Zoophilia: becoming excited by and/or engaging in sexual activity with animals.

Sexual Sadism: "recurrent, intense, sexually arousing fantasies, sexual urges, or behaviors involving acts (real, not simulated) in which the psychological or physical suffering (including humiliation) of the victim is sexually exciting to the person."

Sexual Masochism: "recurrent, intense sexually arousing fantasies, sexual urges, or sexual orientation toward behaviors involving the act (real, not simulated) of being

humiliated, beaten, bound, or otherwise made to suffer."

Necrophilia: sexual arousal and/or orientation towards sexual activity with a corpse.

Pederast: A man whose sexual orientation is to anal intercourse with a boy.

Klismaphilia: erotic pleasure derived from enemas.

Telephone Scatalogia: the compulsion to utter obscene topics over the phone.

Urophilia: sexual arousal associated with urine.

Apotemnophilia: sexual arousal associated with the stump(s) of an amputee.

Coprophilia: sexual arousal associated with feces.

Coprophagia: sexual gratification derived from eating feces.

Toucherism: the strong desire to touch the breasts or genitals of an unknown woman without her consent. Often occurs in conjunction with other paraphilia.

Gender Identity Disorder: "a strong and persistent cross-gender identification, which is the desire to be, or the insistence that one is, of the other sex," along with "persistent discomfort about one's assigned sex or a sense of the inappropriateness in the gender role of that sex."

Frotteurism: "touching and rubbing against a nonconsenting person."

Frattemism: approaching an unknown woman from the rear and pressing or rubbing the penis against her buttocks.

Asphyxophilia -sexual gratification derived from activities that involve oxygen deprivation.